



IT IS ORDERED as set forth below:

Date: November 10, 2022

Paul Baisier

**Paul Baisier
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 21-55752-PMB
	:	
NEW VISION REALTY &	:	
INVESTMENTS, INC.,	:	CHAPTER 7
	:	
Debtor.	:	
	:	

**AMENDED¹ ORDER AUTHORIZING SETTLEMENT UNDER RULE 9019 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

On October 13, 2022, S. Gregory Hays, as Chapter 7 trustee ("**Trustee**") for the bankruptcy estate (the "**Bankruptcy Estate**") of New Vision Realty & Investments, Inc. ("**Debtor**"), filed a *Motion for Order Authorizing Settlement under Rule 9019 of the Federal Rules of Bankruptcy Procedure* [Doc. No. 112] (the "**Motion**") and related papers with the Court, seeking an order, among other things, approving a settlement agreement (the "**Settlement**")

¹ This Amended Order is entered to correct a scrivener's error in the title of the Order [Doc. No. 115] (the "**First Order**") entered on November 9, 2022. This Amended Order shall replace and supplant the First Order in all respects, and the First Order is hereby vacated in its entirety.

Agreement”) between Trustee and Normandy Capital Trust (“**Normandy Capital Trust**” and with Trustee, the “**Parties**”) related to the Debtor’s former interest² in certain improved real property with a common address of 2562 Meadow Lark Drive, East Point, Georgia 30344 (the “**Property**”) and the alleged security interest of Normandy Capital Trust in the same. More specifically, under the terms of the Settlement Agreement, *inter alia*,³ within 10 days of the Settlement Approval Order⁴ (i.e., this Order) becoming a final order, Trustee shall pay to Normandy Capital Trust \$107,000.00 from the Net Sale Proceeds that Trustee received through the sale of the Property (the “**Settlement Funds**”) in one lump sum payment by delivering a check to Normandy Capital Trust in the amount of \$107,000.00. Furthermore, the Parties stipulate and agree that Normandy Capital Trust’s claim [Claim No. 2-2] shall be allowed in the amount of \$107,000.00 but shall be disallowed as to any amount in excess of \$107,000.00. Neither Normandy Capital Trust, nor any of its affiliates, agents, principals, or subsidiaries shall receive a distribution from the Bankruptcy Estate as an unsecured creditor, except as provided in Section 2.2 of the Settlement Agreement. Normandy Capital Trust’s claim, as allowed, shall be deemed satisfied upon the Trustee’s payment of the \$107,000.00 Settlement Funds in accordance with Section 2.2 of the Settlement Agreement. In addition, within ten (10) business days of the

² In June of 2022, following an appropriate order by the Court, Trustee sold the Property and netted the Bankruptcy Estate approximately \$270,000.00 from the sale (the “**Net Sale Proceeds**”). *See* [Doc. No. 106].

³ The following is a summary of the Settlement Agreement and is not intended to be comprehensive. To the extent that anything in this summary is contrary to the terms of the Settlement Agreement, the Settlement Agreement controls.

⁴ Capitalized terms not defined in this Order shall have the meanings ascribed to them in the Settlement Agreement.

later of: (a) the Settlement Approval Order becoming a final order, or (b) Trustee's paying the Settlement Funds to Normandy Capital Trust, Trustee and Normandy Capital Trust shall file a stipulation dismissing with prejudice the adversary proceeding styled as *Hays v. Normandy Capital Trust* (Adv. Pro. No. 21-5101-PMB). Finally, the Parties grant broad and general releases to one another. The exact terms of the Settlement Agreement are set forth on Exhibit "A" to the Motion.

Also on October 13, 2022, Trustee filed a *Notice of Motion for Order Authorizing Settlement under Rule 9019 of the Federal Rules of Bankruptcy Procedure; Deadline to Object; and for Hearing* [Doc. No. 113] (the "**Notice**") regarding the Motion, in accordance with the Second Amended and Restated General Order No. 24-2018, and setting a hearing on the Motion for November 29, 2022 (the "**Hearing**"). Counsel for Trustee certifies that he served the Notice on all requisite parties in interest on October 13, 2022. [Doc. No. 114].

No objection to the relief requested in the Motion was filed prior to the objection deadline provided in the Notice and pursuant to the Second Amended and Restated General Order No. 24-2018.

The Court having considered the Motion and all other matters of record, including the lack of objection to the relief requested in the Motion, and, based on the forgoing, finding that no further notice or hearing is necessary; and, the Court having found that good cause exists to grant the relief requested in the Motion, it is hereby

ORDERED that the Motion is **GRANTED**: the Settlement Agreement is approved and its terms are incorporated into this Order. It is further

ORDERED that Trustee may take any other actions necessary to satisfy the terms of the

Settlement Agreement, including, without limitation, paying the \$107,000.00 Settlement Funds to Normandy Capital Trust from the Net Sale Proceeds in accordance with Section 2.2 of the Settlement Agreement. It is further

ORDERED that this Court retains jurisdiction to (i) interpret, implement, and enforce this Order, (ii) resolve any disputes regarding or concerning the Settlement Agreement, and (iii) enter such other and further orders as may be necessary, just, or proper as an aid to enforcement or implementation of this Order.

[END OF DOCUMENT]

Order prepared and presented by:

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Identification of entities to be served:

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